

ARTICLE 6

MANAGEMENT RIGHTS

It is understood and agreed by the parties that management possesses the sole power, duty and right to operate its Departments, Agencies and programs so as to carry out constitutional and statutory mandates and goals assigned to the Department and Agencies and that all management rights repose in management. Management rights include, but are not limited to, the right, without engaging in negotiations, to:

1. Determine matters of managerial policy; mission of the agency; budget; the method, means and personnel by which government operations are to be conducted; organization structure; standards of service and maintenance of efficiency; the right to select, promote, assign or transfer employees; discipline employees for just cause; and in cases of temporary emergency, to take whatever action is necessary to carry out the agency's mission. However, if such determinations alter conditions of employment to produce substantial adverse impact upon employees, the modification and remedy of such resulting impact on changes in conditions of employment shall be subject to collective bargaining requirements.
2. Utilize personnel, methods and means in the most appropriate and efficient manner as determined by management.
3. Determine the size and composition of the work force, direct the work of the employees, determine the amount and type of work needed and, in accordance with such determination, relieve employees from duty because of lack of funds or lack of work.
4. Make reasonable work rules which regulate performance, conduct, and safety of employees, provided that such work rules or changes shall be reduced to writing and furnished to the Union at least ten (10) calendar days prior to their effective date. The employer shall furnish each employee in the Bargaining Unit with a copy of all new or amended work rules without undue delay. New employees shall be provided with a copy of written work rules which apply to him/her at the time of hire.

It is agreed by the parties that none of the management rights noted above or any other management rights shall be subjects of negotiation during the term of this Agreement, provided however, that such rights must be exercised consistently with the other provisions of this Agreement.

It is recognized by the parties that the Employer is currently prohibited from negotiating on the policies, practices, procedures and the Civil Service Rules and Regulations relating to:

1. Original appointments and promotions specifically including recruitment, examinations, certifications, appointments, and policies with respect to probationary periods.
2. The position classification system specifically including the classification of individual positions and groups of positions, position and classification qualification standards, establishment and abolishment of classifications, assignment and reassignment of classification to salary ranges, allocation and reallocation of positions to classifications, and determination of an incumbent's status resulting from position and/or classification reallocation and reassignment as well as all other prohibited subjects as defined in Civil Service Rules and Regulations.

This Agreement, including its supplements and exhibits attached hereto (if any) concludes all negotiations between the parties during the term hereof, and satisfies the obligation of the Employer to bargain collectively with the Union under Civil Service Rules and Regulations. The Union acknowledges and agrees that the collective bargaining process, under which this Agreement has been negotiated, is the exclusive process for affecting terms and conditions of employment at both primary and secondary levels.